

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ASTELLAS INSTITUTE FOR REGENERATIVE
MEDICINE, and STEM CELL & REGENERATIVE
MEDICINE INTERNATIONAL, INC.,

Plaintiffs and Counterclaim-Defendants,

v.

IMSTEM BIOTECHNOLOGY, INC., XIAOFANG
WANG, and REN-HE XU,

Defendants and Counterclaim-Plaintiffs.

C.A. NO. 1:17-cv-12239-ADB

**DECLARATION OF LAUREN K. SHARKEY IN SUPPORT OF
PLAINTIFFS' MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT**

I, Lauren K. Sharkey, under penalty of perjury, do hereby declare as follows:

I am an attorney at Latham & Watkins LLP ("Latham & Watkins"). I am counsel of record for Plaintiffs Astellas Institute for Regenerative Medicine ("Astellas") and Stem Cell & Regenerative Medicine International, Inc. ("SCRMI") (collectively "Plaintiffs") in the above-captioned action. I submit this Declaration, based on my personal knowledge, in support of Plaintiffs' Motion for Leave to File an Amended Complaint.

1. Attached hereto as Exhibit 1 is a true and correct copy of a March, 28 2011 email from Erin Kimbrel to Xiaofang Wang re "data and info for grants" (IMSTEM-0002553), filed under seal pursuant to the Court's Order on Plaintiffs' Motion to Seal, Dkt. No. 94.

2. Attached hereto as Exhibit 2 is a true and correct copy of an April 2, 2012 email from Ren-He Xu to Erin Kimbrel and Xiaofang Wang, copying John Lu, re "in vitro data disclosure" (IMSTEM-0005466), filed under seal pursuant to the Court's Order on Plaintiffs' Motion to Seal, Dkt. No. 94.

3. Attached hereto as Exhibit 3 is a true and correct copy of a December 9, 2011 email from Ren-He Xu to Erin Kimbrel and Xiaofang Wang, copying John Lu, re “collaboration” (IMSTEM-0004606), filed under seal pursuant to the Court’s Order on Plaintiffs’ Motion to Seal, Dkt. No. 94.

4. Attached hereto as Exhibit 4 is a true and correct copy of a July 9, 2012 email from Xiaofang Wang to Ren-He Xu, copying Michael Men, re “more claims added” attaching updated abstract and claims (IMSTEM-0027835), filed under seal pursuant to the Court’s Order on Plaintiffs’ Motion to Seal, Dkt. No. 94.

5. Attached hereto as Exhibit 5 is a true and correct copy of a July 3, 2012 email from Xiaofang Wang to Michael Men, Ren-He Xu, and Xinghua Pan re “Patent#1” with attachments (IMSTEM-0031515), filed under seal pursuant to the Court’s Order on Plaintiffs’ Motion to Seal, Dkt. No. 94.

6. Attached hereto as Exhibit 6 is a true and correct copy of Richard Cassidy Deposition Exhibit Two, filed under seal pursuant to the Court’s Order on Plaintiffs’ Motion to Seal, Dkt. No. 94.

7. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the deposition transcript of Ren-He Xu, filed under seal pursuant to the Court’s Order on Plaintiffs’ Motion to Seal, Dkt. No. 94.

8. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from the deposition transcript of Xiaofang Wang, filed under seal pursuant to the Court’s Order on Plaintiffs’ Motion to Seal, Dkt. No. 94.

9. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the deposition transcript of Erin Kimbrel, filed under seal pursuant to the Court's Order on Plaintiffs' Motion to Seal, Dkt. No. 94.

10. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the deposition transcript of Robert Lanza, filed under seal pursuant to the Court's Order on Plaintiffs' Motion to Seal, Dkt. No. 94.

I declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct and that this declaration was executed by me this 13th day of September, 2019, in Chicago, Illinois.



Lauren K. Sharkey

CERTIFICATE OF SERVICE

I hereby certify that this document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent via first class mail on September 13, 2019 to those identified as non-registered participants.

/s/ David P. Frazier
David P. Frazier